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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 836,193	04 18 2001	Mon-Sheng Lin	BHT-3106-130	6516

7590 03 26 2003

DOUGHERTY & TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

ANTHONY, JOSEPH DAVID

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 03 26 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,193

Applicant(s)

Examiner

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 1/2/03 AS AMENDMENT A

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1, 4-11 is/are pending in the application.

Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 1, 4-11 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit 1714

FINAL REJECTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, and 4-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 as amended contains new matter in regards to the added concentration units of "by volume". There is no support anywhere in applicant's originally filed disclosure to such volume units. In fact, the specification as originally filed neither teaches nor suggests any units for the listed concentration ranges.

3. Claims 8-11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for liquid bubble solutions comprising about 67% to about 89% water, about 8% to about 25% surface active agent, about 2% glycerin and about 1% to about 6% fluorescent brightening agent, see pages 2-3 of specification, does not reasonably provide enablement for liquid bubble solutions that have concentration ranges of said components outside said listed

Art Unit: 1714

ranges. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable Honsa U.S. Patent Number 5,174,927 or Halas U.S. Patent Number 4,970,029.

Honsa, and Halas both disclose aqueous base detergent compositions that comprise: 1) water, 2) surfactant(s), 3) fluorescent brightening agents, such as applicant's claimed diamino-stilbene disulphonic acid derivative types, and 4) additional adjuvants, such as builders, pH modifying agents, stabilizers, solvent(s), anti-freeze agents, dyes, thickeners (i.e. viscosity index improver), perfumes, etc.. See abstract, and claims of Honsa. See abstract, column 7, lines 24-31, examples and claims of Halas.

Honsa, and Halas both individually differ from applicant's claimed invention in that they do not have a direct teaching (i.e. by way of an example) to a aqueous detergent composition that

Art Unit: 1714

actually comprises all of applicant's claimed components within applicant's claimed concentration ranges.

It would have been obvious to one having ordinary skill in the art to use the individual broad disclosures of Honsa, and Halas as motivation to actually make aqueous detergent compositions that contained all of applicant's claimed components at applicant's claimed concentration ranges, since such components and such concentration ranges are deemed to be broadly suggested by each individual patent. In regards to applicant's particularly claimed concentration ranges it is well established by the courts that where the general conditions of the claims are disclosed in the prior-art, it is not inventive to discover optimum or workable ranges (i.e concentration, temperature, pH etc.) by routine experimentation, absent evidence of unexpected results. It is noted by the examiner that applicant has set forth no showing of any superior and/or unexpected results for applicant's claimed compositions.

Response to Arguments

6. Applicant's arguments filed 1/2/03 with amendment a have been fully considered but are not persuasive to put the application in condition for allowance for the reasons set forth above. Additional examiner's comments are found below. Applicant's amendment has resulted in some of the previously made prior-art rejections to be dropped. Nevertheless the prior-art rejections over Honsa, and Halas remain. The fact that neither Honsa, and Halas directly teaches the use of their aqueous detergent composition as "a liquid bubble solution" is deemed to be moot since such is

Art Unit: 1714

deemed to be nothing more than a statement of intended use. The liquid detergent compositions as disclosed by Honsa and Halas are deemed to encompass liquid bubble solutions since the liquid detergent compositions of Honsa and Halas can perform the function of liquid bubble solutions. Applicant has provided no evidence that Honsa and Halas liquid detergent compositions can not be used to make bubbles.

Conclusion

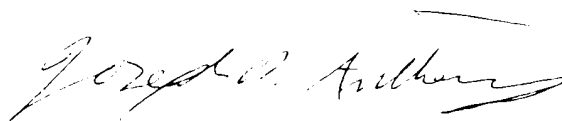
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1714

Examiner Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (703) 308-0446. This examiner can normally be reached on Monday through Thursday from 7:35 a.m. to 6:00 p.m. in the eastern time zone. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The group (**non-after final**) FAX machine number is (703) 872-9310. The group (**after final**) FAX machine number is (703) 872-9311. Unofficial correspondence transmitted by FAX must be marked "DRAFT". All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0651. The receptionist is located on the 8th floor of Crystal Plaza 3 (e.g. CP-3) and will be the welcome point for all visitors to the building.



Joseph D. Anthony
Primary Patent Examiner
Art Unit 1714

3/24/03